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DIVISION OF SPECIAL EDUCATION
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TIMOTHY K. WEBB, Ed.D.
ACTING COMMISSIONER

Preschool Policy Memorandum #08-001

DATE: April 10, 2008

TO: Special Education Supervisors

FROM:  Joseph E. Fisher, Assistant Commissioner
Division of Special Education

 Jamie Thomas Kilpatrick, Director Early Childhood Programs
Division of Special Education

RE: **Clarification of Timeline Requirements for Children Exiting TEIS**

There has been some confusion regarding the issue of timeline requirements for children exiting TEIS. Timeline requirements are linked to the Federal Annual Performance Report (APR): Part C (early intervention) Indicator 8C, and Part B (preschool) Indicators 11 and 12.

Indicator 8C (Transition Planning Conference): Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday. C. Transition conference, if child potentially eligible for Part B.

- Timeline requirements: ". . .[TEIS] convene[s] a conference among the lead agency, the family, and the local educational agency no fewer than 90 days - and at the discretion of all such parties, not more than nine months - before the toddler's third birthday to discuss any such services that the toddler may receive under Part B." 20 U.S.C. §1437(a)(9)(ii)(II); 34 CFR §303.209(c)(1); Tenn. Rules & Regs. 0520-1-10-.02 (12) (b) 2

Indicator 11 (Child Find): Percent of children with parental consent to evaluation, who were evaluated within 40 school days.

- Timeline requirements: "An initial evaluation must be conducted and an initial educational placement must be made within forty (40) school days of the local education agency's receipt of informed parental consent for an initial evaluation. A reasonable extension may be approved by the state department of education if, based on the unique needs of the child being evaluated, extra time is required. The granting of any extension will be based on the documented individual needs of the child." 20 U.S.C. 1414(a); 34 CFR §300.301(c); Tenn. Rules & Regs. 0520-1-9-.10

Indicator 12 (Part C to B Transition): Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

- Timeline requirements: For the child who has been determined eligible for special education services under IDEA Part B and is entitled to a Free Appropriate Public Education (FAPE) on his or her third

(3rd) birthday, an Individualized Education Plan (IEP) shall have been developed for the child and in effect on the child's third (3rd) birthday. 20 U.S.C. 1412(a)(9); 34 CFR §300.124(b); Tenn. Rules & Regs. 0520-1-10-.02 (12)(c).

Clarifications related to timeline requirements:

1. When the Transition Planning Conference is held timely (i.e., no later than 90 days prior to the toddler's third birthday), then a toddler who has been in early intervention services and who has been determined to be Part B (preschool) eligible must have an IEP in place by their third birthday.
2. When the Transition Planning Conference is held late, (i.e., less than 90 days prior to the toddlers third birthday), then the school system has 40 school days from informed parental consent for initial evaluation to put an IEP in place for a toddler who is determined Part B (preschool) eligible. 'School days' are defined by the local School Board calendar.

The intent of IDEA relative to a toddler who is Part C eligible and who is receiving early intervention services is to ensure a *seamless transition* at age three years when Part B preschool eligibility has been determined.

Based on the date of this memorandum, the Division of Special Education will immediately put procedures in to place to ensure compliance with this policy and practice clarification. These timeline requirements will be utilized when monitoring and publicly reporting LEA data. Should you have any questions regarding this memorandum please contact Jamie Kilpatrick at (615) 741-3537 or jamie.kilpatrick@state.tn.us .

Cc: Tennessee's Early Intervention System (TEIS) District Administrators